

**EXECUTIVE SECRETARIAT**  
**ROUTING SLIP**

TO:

	ACTION	INFO	DATE	INITIAL
1 DCI				
2 DDCI				
3 EXDIR		X		
4 D/ICS	X			
5 DDI				
6 DDA				
7 DDO				
8 DDS&T				
9 Chm/NIC				
10 GC				
11 IG				
12 Compt	X			
13 D/OLL				
14 D/PAO				
15 D/PERS				
16 VC/NIC				
17				
18				
19				
20				
21				
22				
SUSPENSE _____				
Date _____				

Remarks

Executive Secretary

26 Dec 85

Date

3637 (10-81)



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

Executive Registry

85- 5054

December 17, 1985

112 6-SR

M-86-8

MEMORANDUM FOR HEADS OF DESIGNATED EXECUTIVE DEPARTMENTS  
AND AGENCIES

FROM: *James C. Miller, III*

Director

SUBJECT: Agency Operations in the Absence of  
Appropriations

Once again, a Continuing Resolution for some Executive departments and agencies has expired without some form of appropriations taking effect. Thus far, only six regular appropriations bills for FY 1986 have been signed into law: Commerce/Justice/State; Energy/Water; HUD/Independent Agencies; Labor/HHS; the Legislative Branch; and Military Construction. However, the following seven appropriations measures have not been enacted: Agriculture/Related Agencies; Defense; District of Columbia; Foreign Operations; Interior; Transportation; and Treasury/Postal Service/General Government.

A list of agencies affected by the expiration of the Continuing Resolution may be found in the appendix to this memorandum.

As you know, Congress currently is considering a Continuing Resolution to provide funds for the rest of the fiscal year for the agencies not yet appropriated. Naturally, the President hopes that an acceptable Continuing Resolution will be enacted. However, in the absence of appropriations, an opinion by the Attorney General requires you to begin implementing your agency's plans for an orderly shutdown of non-essential activities.

If you are the head of an agency listed in the appendix, you should instruct your employees to report for work on schedule. However, pursuant to your agency's plan in the event of an appropriations hiatus, you should instruct your employees to engage only in shutdown-related activities.

During the course of the day, a determination will be made whether it appears with reasonable certainty that an acceptable Continuing Resolution is about to be enacted. If

it appears with reasonable certainty that an acceptable Continuing Resolution will be available for signature during the day, you will be so notified by your OMB budget examiner. In that event, you should tell your employees to remain at work and engage only in shutdown-related activities. (Of course, once an appropriations measure for your agency has been signed, you should instruct your employees to return to business as usual.)

On the other hand, if it cannot be determined with reasonable certainty that an acceptable Continuing Resolution will be available during the day, you will be notified of that as well. In that case, you should send home those employees identified as non-exceptioned in your agency shutdown plan.

Please direct any questions that cannot be answered on the basis of this memorandum and prior communications to your OMB budget examiner or to OMB Counsel. Please direct any unresolved legal questions relative to the construction of the Antideficiency Act to the Office of Legal Counsel of the Department of Justice.

Thank you for your cooperation during this period of uncertainty and inconvenience.

MAILED  
AFFECTED AGENCIES

Agriculture

Department of Agriculture (except Forest Service)  
Department of HHS, Food and Drug Administration  
Commodity Futures Trading Commission  
Farm Credit Administration

Foreign Assistance

Department of State  
Department of Defense  
Agency for International Development  
Department of Agriculture  
Export-Import Bank

Interior

Department of Agriculture, Forest Service  
Department of the Interior (except Bureau of Reclamation)  
Department of Energy  
Energy conservation  
Fossil energy R&D  
Strategic Petroleum Reserve  
Department of Education, Indian education  
Department of HHS, Indian Health  
National Foundation on the Arts and Humanities  
Pennsylvania Avenue Development Corporation  
Smithsonian Institution  
Advisory Council on Historic Preservation  
Commission of Fine Arts  
Franklin Delano Roosevelt Memorial Commission  
National Capital Planning Commission  
Institute of Museum Services  
Native Hawaiians Study Commission  
Office of the Federal Inspector for the Alaska Natural Gas  
Transportation System  
Navajo and Hopi Indian Relocation Commission  
United States Holocaust Memorial Council

Transportation

Department of Transportation (except Maritime Administration)  
Architectural and Transportation Barriers  
Compliance Board  
Civil Aeronautics Board  
Panama Canal Commission  
Washington Metropolitan Area Transit Authority  
Interstate Commerce Commission  
National Transportation Safety Board  
United States Railway Association

Treasury/Postal Service/General Government

Legislative Branch, U.S. Tax Court  
Executive Office of the President  
Department of the Treasury (except revenue sharing)  
General Services Administration (except as noted otherwise)  
Office of Personnel Management  
Postal Service  
Administrative Conference of the United States  
Advisory Committee on Federal Pay  
Committee for Purchase from the Blind and other Severely  
Handicapped  
Federal Election Commission  
Federal Labor Relations Authority  
Advisory Commission on Intergovernmental Relations  
Merit Systems Protection Board

Defense

Department of Defense  
Central Intelligence Agency  
Intelligence Community Staff

District of Columbia

District of Columbia